

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

AMERICA SCIENCE TEAM  
RICHMOND, INC.,  
Plaintiff,

v.

Civil Action No. 3:22cv451

ENOCH CHAN,  
Defendant.

**ORDER**

This matter comes before the Court on the plaintiff's motion for an order authorizing service of process by electronic communication. (ECF No. 3.) The plaintiff asks that the Court order alternative service by email to the defendant's email address and the email address of Maryland attorney Stewart Sutton. On June 27, 2022, the Court directed the plaintiff to file a notice explaining (1) why it is certain the defendant will receive emails at the address provided and (2) that Attorney Sutton represents the defendant in other matters.

On July 1, 2022, the plaintiff filed its notice, indicating that the plaintiff and defendant "communicated with each other through e-mail regarding various issues." (ECF No. 8, at 1.) "In these communications, both [the plaintiff and the defendant] used the e-mail address enoch.chan@hotmail.com for their correspondence." (*Id.*) The plaintiff attached "representative samples of correspondence" with the plaintiff to show the veracity of enoch.chan@hotmail.com. (*Id.*) The provided emails purport to show that the defendant used the email address at issue in December 2017, April 2020, and July 2020. (ECF No. 8-1.) Given the regularity with which people today abandon email addresses, the Court questions whether service to an email address the defendant used two years ago would "apprise" him "of the pendency of the action and afford [him] an opportunity to present [his] objections." *Popular Enters., LLC v. Webcom Media Grp.*,


*Inc.*, 225 F.R.D. 560, 561 (E.D. Tenn. 2004) (quoting *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950)). The Court, therefore, DIRECTS the plaintiff to file within seven days of this Order any evidence that the defendant continues to use enoch.chan@hotmail.com.

The plaintiff also filed “representative samples of correspondence” with Attorney Sutton. (ECF No. 8, at 1.) In a May 24, 2021 letter, Sutton explained that the defendant had retained his services in an unrelated matter. (ECF No. 8-2, at 3.) In a December 1, 2021 email, Sutton wrote that he “do[es] not represent [the defendant] in any current litigation in Maryland; and [he] do[es] not have the authority to accept service on his behalf.” (*Id.* at 1.) Based on these emails, more than a year has passed since Sutton indicated that he represents the defendant in any capacity. The Court DIRECTS the plaintiff to file within seven days of this Order any evidence that Attorney Sutton currently represents the defendant in any capacity.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 11 July 2022  
Richmond, VA

/s/   
John A. Gibney, Jr.  
Senior United States District Judge